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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,743	03/08/2001	John McCormack	EDGE001/01US	5719

7590

03/22/2006

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EXAMINER
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MATTIS, JASON E

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/800,743

Applicant(s)

MCCORMACK ET AL.

Examiner

Jason E. Mattis

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11, 12, 15-21 and 23-27 is/are pending in the application.
- 4a) Of the above claim(s) 11, 12, 15-21 and 23-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office Action is in response to the Request for Continued Examination filed 1/4/06. Claims 1-10, 13-14, and 22 are cancelled. Claims 11-12, 15-21, and 23-25 are withdrawn for consideration. New claims 26-27 have been added.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 26 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 26 and 27 contain language that is confusing and it is therefore not clear what exactly is being claimed. Claim 26 contains language including "A method for providing a quality of service-based packets which telephone network to effect Internet telephony", "said packets which telephone network comprising multiple MPCS's said network packets which to telephone network be informed by comprising by connecting at least two MPCS's by said VC's", and "sending said call through said packets which telephone network to a destination MPCS". Each of these phrases is confusing to the point that it is not clear what exactly is being claimed. Claim 27 contains the language "performing interstripping on IP traffic". It is unclear what is meant by "interstripping". It

is recommended that these claims be amended such that they more clearly point out and distinctly claim the invention.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 26 is rejected under 35 U.S.C. 102(e) as being anticipated by Mauger (U.S. Pat. 6778494 B1).

**With respect to claim 26**, Mauger discloses a method for providing quality of service guarantees for telephone users in an Internet telephony network **(See the abstract and column 4 line 59 to column 5 line 22 of Mauger for reference to providing firm an meaningful quality of service guarantees to telephone users in an Internet telephony network)**. Mauger also discloses providing a multi-protocol convergence switch (MPCS) for enabling a telephone to connect to ever other telephone within the telephone network through the Internet using a single virtual circuit **(See column 4 line 59 to column 6 line 13 and Figure 2 of Mauger et al. for**

**reference to an MPLS edge node 23, which is a MPCS, that enables a subscriber terminal 25, which is a telephone, to connect to other subscriber terminals 25 within the network through the Internet using a single tunnel, which is a type of virtual circuit).** Mauger further discloses that the network has multiple MPCS's with at least two MPCS's being connected by the virtual circuit **(See column 4 line 59 to column 5 line 15 and Figure 2 of Mauger for reference to there being multiple edge nodes 23 which two edge nodes 23 being connected by a tunnel through the core network).** Mauger also discloses connecting each telephone to a single MPCS **(See column 4 line 59 to column 5 line 22 and Figure 2 of Mauger for reference each subscriber terminal 25 being connected to a single edge node 23).** Mauger further discloses sending a call to a telephone associated MPCS when a telephone call is made **(See column 4 line 59 to column 6 line 13 and Figure 2 of Mauger for reference to calls being routed to the edge node 23 associated with the calling party).** Mauger also discloses the MPCS determining where the call should be routed based an intended destination, sending the call through the network to a destination MPCS, and having the destination MPCS send the call to a destination telephone **(See column 4 line 59 to column 6 line 13 and Figure 2 of Mauger for reference to determining the destination edge node 23 connected to the called party, routing the call to the destination edge nodes 23 using the appropriate tunnel, and forwarding the call from the destination edge node 23 to the destination subscriber terminal 25).** Mauger further discloses that the MPCS straddles an edge network and a core network, with the core network comprising a network that carries

traffic from one edge network to another edge network comprising an IP network, and with the MPCS supporting multi-protocol label switching (MPLS) **(See column 4 line 59 to column 6 line 13 and Figure 2 of Mauger for reference to the edge node 23 being between an edge network and a core network 10, with the core network connecting multiple edge networks, and with the edge node 23 supporting MPLS).**

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mauger et al. in view of Roy (U.S. Pat. 6049531), Frey et al. (U.S. Pat. 5982783), and Yang (U.S. Application 10/706730).

**With respect to claim 27**, Mauger discloses preprovisioning VCs **(See the abstract of Mauger for reference to tunnels being exclusively reserved for traffic between label switched gateways meaning there are preprovisioned VCs).**

Mauger does not disclose converting data from IP to AAL2 and vice versa. Mauger also does not disclose converting data from AAL5 to AAL2 and vice versa. Mauger further does not disclose performing interstripping on IP traffic.

**With respect to claim 27**, Roy, in the field of communications, discloses converting telephone call data between an IP network and an AAL2 network **(See**

**column 9 line 59 to column 10 line 51 of Roy for reference to converting IP data into ATM cells using ATM adaptation layer protocol before transferring the data).**

Converting data between an IP network and an AAL2 network has the advantage of allowing telephone data to travel from an IP network to an ATM network, which is more like a circuit switched network, to provide a better quality of service for the real time telephone call data.

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Roy, to combine converting data between an IP network and an AAL2 network, as suggested by Roy, with the Internet telephony method of Mauger, with the motivation being to allow allowing telephone data to travel from an IP network to an ATM network, which is more like a circuit switched network, to provide a better quality of service for the real time telephone call data.

**With respect to claim 27**, Frey et al., in the field of communications, discloses converting data between an AAL5 network and an AAL2 network **(See column 5 line 1 to column 6 line 4 and column 9 lines 3-41 and Figure 3 of Frey et al. for reference to transferring data packets between both AAL2 and AAL5 networks as dictated by call processing)**. Converting data between an AAL5 network and an AAL2 network has the advantage of allowing packets to be converted to an AAL2 network which provides better quality of services for connection-oriented, variable bit-rate, timing-sensitive applications, such as video and audio or voice, than an AAL5 network that supports time-insensitive traffic **(See column 5 line 62 to column 6 line 3 for reference to this advantage)**.

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Frey et al., to combine converting data between both AAL2 and AAL5 networks, as suggested by Frey et al., with the Internet telephony method of Mauger and Roy, with the motivation being to allow packets to be converted to an AAL2 network which provides better quality of services for connection-oriented, variable bit-rate, timing-sensitive applications, such as video and audio or voice, than an AAL5 network that supports time-insensitive traffic.

**With respect to claim 27**, Yang, in the field of communications, discloses a network that strips off RTP/UDP/IP headers from packets before transferring them over an ATM network **(See page 4 paragraph 90 to page 5 paragraph 103 and Figure 4B of Yang for reference to forming compressing a packet by completely removing IP/UDP/RTP headers before sending a packet over an ATM network and routing the packet to an ATM egress switch)**. Yang also discloses adding IP/UDP/RTP headers back onto a packet after a packet has been received at an egress of an ATM network and before sending the packet to an IP network **(See page 5 paragraphs 107-108 and Figure 4B of Yang for reference to decompressing a packet by adding an IP/UDP/RTP header on the packet after it is received at an edge switch to an IP network)**. Stripping a header before sending it over an ATM network and adding it back on at an egress switch of an ATM network has the advantage of providing a higher compressing gain while saving resources, as suggested by Yang **(See page 2 paragraph 49 of Yang for reference to this advantage)**.



It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Yang, to stripping a header before sending it over an ATM network and adding it back on at an egress switch, as suggested by Yang, with the Internet telephony method of Mauger, Roy, and Frey et al., with the motivation being to provide a higher compressing gain while saving resources.

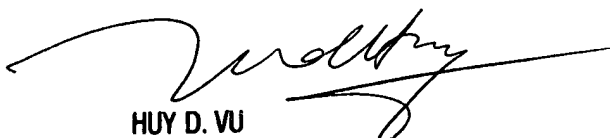
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason E. Mattis whose telephone number is (571) 272-3154. The examiner can normally be reached on M-F 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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